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ATTORNEY DOCKET NO. 14014.0342U2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Klein <i>et al.</i>)	Art Unit: 1632
)	
Application No. 09/910,588)	Examiner: Anne-Marie Falk
)	
)	Confirmation No. 3159
For: METHODS AND COMPOSITIONS)	
FOR BISUBSTRATE INHIBITORS OF)	
ACETYL TRANSFERASES)	

**PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW IMPROPER
HOLDING OF ABANDONMENT**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 36339

Sir:

Pursuant to 37 C.F.R. § 1.181 and MPEP § 711.03(c)I, Applicants hereby petition for withdrawal of the holding of abandonment communicated in the Notice of Abandonment mailed October 5, 2006. Applicants submit that the Notice of Abandonment was issued in error. The Notice of Abandonment indicates that the present application was abandoned because of failure to timely file a reply to the office letter mailed February 22, 2006. On March 20, 2006, Applicants timely responded to the Examiner's Communication dated February 22, 2006. Applicants will hereby show that a Response was mailed to the United States Patent & Trademark Office (PTO) on March 20, 2006; therefore, Applicants submit that the Notice of

Abandonment for failure to timely file a proper reply to the Office letter mailed on February 22, 2006, was issued in error.

Statement of Facts

Applicants received an Examiner Communication dated February 22, 2006 from the PTO on February 27, 2006, stating that the response filed on December 5, 2005 was not fully responsive to the prior Office Action because the amendment format did not have the appropriate claim markings and the status identifier for Claim 15 was not consistent with the prior version of Claim 15. Applicants timely submitted a response to the Examiner Communication on March 20, 2006. The next correspondence Applicants received from the PTO was a Notice of Abandonment dated October 5, 2006. The notification stated that Applicants failed to timely file a proper reply to the Office letter mailed on February 22, 2006. Even though Applicants timely filed a response on March 20, 2006, Applicants have not received a date-stamped postcard back from the PTO. However, Applicants are hereby attaching a copy of the postcard mailed March 20, 2006 with the response, a copy of the response with certificate of mailing dated March 20, 2006, a copy of Needle & Rosenberg's (N&R) PTO Filing Recordation Sheet showing the Response to Examiner Communication as mailed on March 20, 2006, as well as a copy of N&R Docketing Department log sheet with the response date highlighted. Also enclosed is a copy of our docketing database (MDC) printout with the mailing completion date of the response highlighted. This evidence shows that applicant timely filed a Response to the Office letter dated February 22, 2006, and despite all due care, the Response was lost in the U.S. mail or lost at the USPTO. In view of this showing, Applicants believe withdrawal of the holding of abandonment

ATTORNEY DOCKET NO. 14014.0342U2
Application No. 09/910,588

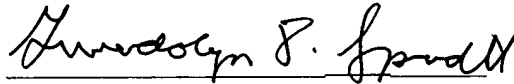
would be proper. Applicants respectfully request withdrawal of the holding of abandonment in the present application.

Favorable consideration of this Petition is earnestly solicited.

It is believed that no fee is due with this Petition because Applicants contend that the application is not abandoned (see MPEP § 711.03(c)I). In the event that it is determined that a fee is due, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-0629.

Respectfully submitted,

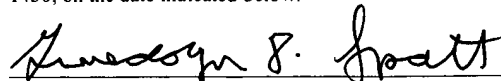
NEEDLE & ROSENBERG, P.C.


Gwendolyn D. Spratt
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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Gwendolyn D. Spratt

12-5-06
Date



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SIR: PLEASE ACKNOWLEDGE RECEIPT OF THE ENCLOSED:

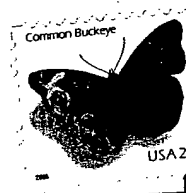
- (X) Response to Examiner Communication (5 pgs)
- (X) Credit Card Authorization Form PTO-2038 for \$10.00 (1 pg)
(representing \$10.00 for fee under 37 C.F.R. 1.121(c))
- (X) Certificate of Mailing Dated: March 20, 2006

IN RE APPLICATION OF: KLEIN *et al.*

TITLE: METHODS AND COMPOSITIONS FOR BISUBSTRATE INHIBITORS OF
ACETYLTRANSFERASES

APPLICATION NO.: 09/910,588
ATTORNEY DOCKET NO.: 14014.0342U2
(GDS:len)

FILED: July 20, 2001
CONFIRMATION NO.: 3159



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999 Peachtree Street
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Atlanta, GA 30309

GDS

ldt

03/21/2006

Reviewed

Name/Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	Group Art Unit: 1632
Klein <i>et al.</i>)	
)	Examiner: Anne Marie Falk
Application No. 09/910,588)	
)	Confirmation No. 3159
Filing Date: July 20, 2001)	
)	
For: METHODS AND COMPOSITIONS)	
FOR BISUBSTRATE INHIBITORS)	
OF ACETYLTRANSFERASES)	

**RESPONSE TO COMMUNICATION FROM EXAMINER REGARDING
NON-COMPLIANT AMENDMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 36339

Examiner Falk:

Responsive to the Office Action mailed February 22, 2006, please consider the following remarks.

Listing of Claims begin on page 2.

Remarks begin on page 5 of the Response.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (previously presented) A method of producing a bisubstrate inhibitor in a cell, comprising introducing into the cell a N-bromoacetylated acetyl acceptor substrate or a N-chloroacetylated acetyl acceptor substrate for an acetyltransferase present in the cell.
2. (original) The method of claim 1, wherein the acetyltransferase is produced by the cell.
3. (original) The method of claim 1, wherein the acetyltransferase is produced in a cell from an exogenous nucleic acid encoding the acetyltransferase.
4. (cancelled)
5. (previously presented) The method of claim 1, wherein the acetyltransferase is arylalkylamine N-acetyltransferase (AANAT) and the acetyl acceptor substrate is selected from the group consisting of N-bromoacetyltryptamine, N-bromoacetylserotonin, N-bromoacetylphenylethylamine, N-bromo-acetyl-methoxytryptamine, N-bromoacetyltyramine, N-chloroacetyltryptamine, N-chloroacetylserotonin, N-chloroacetylphenylethylamine, N-chloro-acetyl-methoxytryptamine and N-chloroacetyltyramine.
6. (previously presented) A method of inhibiting the activity of an acetyltransferase in a cell, comprising introducing into the cell a N-bromoacetylated acetyl acceptor substrate or a N-chloroacetylated acetyl acceptor substrate for an acetyltransferase present in the cell under conditions whereby a bisubstrate inhibitor will be produced, thereby inhibiting the activity of the acetyltransferase in the cell.

7. (original) The method of claim 6, wherein the acetyltransferase is produced by the cell.

8. (original) The method of claim 6, wherein the acetyltransferase is produced in a cell from an exogenous nucleic acid encoding the acetyltransferase.

9. (cancelled)

10. (previously presented) The method of claim 6, wherein the acetyltransferase is arylalkylamine N-acetyltransferase (AANAT) and the alkylating derivative of the acetyl acceptor substrate is selected from the group consisting of N-bromoacetyltryptamine, N-bromoacetylserotonin, N-bromoacetylphenylethylamine, N-bromo-acetyl-methoxytryptamine, N-bromoacetyltyramine, N-chloroacetyltryptamine, N-chloroacetylserotonin, N-chloroacetylphenylethylamine, N-chloro-acetyl-methoxytryptamine, and N-chloroacetyltyramine.

11. (previously presented) A method of inhibiting melatonin production in a cell which produces melatonin, comprising introducing into the cell a N-bromoacetylated acetyl acceptor substrate or a N-chloroacetylated acetyl acceptor substrate of AANAT which is selected from the group consisting of N-bromoacetyltryptamine, N-bromoacetylserotonin, N-bromoacetylphenylethylamine, N-bromo-acetyl-methoxytryptamine, N-bromoacetyltyramine, N-chloroacetyltryptamine, N-chloroacetylserotonin, N-chloroacetylphenylethylamine, N-chloro-acetyl-methoxytryptamine, and N-chloroacetyltyramine.

12. – 14. (cancelled)

15. (previously presented) A cell comprising a bisubstrate inhibitor, wherein the bisubstrate inhibitor comprises an alkylating derivative of a N-bromoacetylated acetyl

acceptor substrate or a N-chloroacetylated acetyl acceptor substrate for an acetyltransferase present in the cell and CoA.

16. (original) The cell of claim 15, wherein the acetyltransferase is produced by the cell.

17. (previously presented) The cell of claim 15, wherein the acetyltransferase is produced in the cell from an exogenous nucleic acid encoding the acetyltransferase.

18. (cancelled)

19. (previously presented) The cell of claim 15, wherein the acetyltransferase is arylalkylamine N-acetyltransferase (AANAT) and the acetyl acceptor substrate is selected from the group consisting of N-bromoacetyltryptamine, N-bromoacetylserotonin, N-bromoacetylphenylethylamine, N-bromo-acetyl-methoxytryptamine, N-bromoacetyltyramine, N-chloroacetyltryptamine, N-chloroacetylserotonin, N-chloroacetylphenylethylamine, N-chloro-acetyl-methoxytryptamine, and N-chloroacetyltyramine.

20. (original) The cell of claim 19, wherein the cell is selected from the group consisting of a pineal gland cell and a retinal cell.

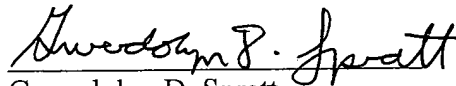
Remarks

Applicants hereby re-submit the listing of claims filed with the reply of December 5, 2005. This version of the claims includes the version of Claim 15 consistent with the previous response.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$10.00 for the fee under 37 CFR 1.121(c) is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

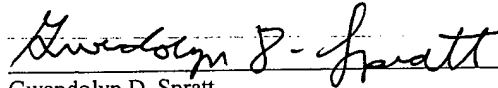


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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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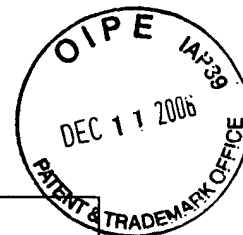


Gwendolyn D. Spratt

3-20-06

Date

NEEDLE & ROSENBERG, P.C.
PTO FILING RECORDATION SHEET



SECTION I. DOCKETING OR ATTORNEY / AGENT / PARALEGAL / SECRETARY		
Completed By: Signature: _____ Printed Name: <u>Lisa Norris</u>		Date: <u>March 20, 2006</u>
Date Received / Atty. Para. Client / Matter Number & Application Serial No.	<u>Feb 24, 2006 (GDS:len)</u> <u>14014.0342U2</u> <u>09/910,588</u>	
Document(s) Filed	(X) Response to Examiner Communication (5 pgs) (X) Credit Card Authorization Form PTO-2038 for \$10.00 (1 pg) (representing \$10.00 for fee under 37 C.F.R. 1.121(c)) (X) Certificate of Mailing Dated: March 20, 2006	
Certificate Of Mailing Date	<u>March 20, 2006</u>	
SECTION II. OFFICE SERVICES OR ATTORNEY / AGENT / PARALEGAL / SECRETARY		
Completed By: Signature: _____ Printed Name: <u>K. DANKEY</u>		Date: <u>3/20/06</u>
Method Of Mailing:	EXPRESS MAIL (E) Express Mail Number:	<u>REGULAR MAIL (R)</u>
Date Taken to Post Office / Mail Box and Full Address of Post Office / Mail Box		<u>183 Forsyth St</u> <u>Atlanta GA 30303</u>
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Time Placed In Mail Box OR Filed With Postal Clerk		Time Placed In Mail Box: <u>6:18 PM</u>
Verified Date Stamp by Postal Clerk Prior to Leaving Postal Window	Verified Date Stamp: YES ____ NO ____	Verified Date Stamp:
Returned Express Mail Receipt to Docketing Clerk	YES ____ DATE ____	
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Completed By: Signature: _____ Printed Name: _____		Date: <u>03/21/2006</u>
Express Mail Receipt Logged At N&R & Given Back to Attorney, Paralegal or Secretary	YES ____ Date: <u>03/21/2006</u> Time: _____	
	FACSIMILE (F)	
Fax Completed:		Time:
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(Filings by All – DTI, Attorney, Staff, etc.)

FILE NO.	DATE IN	TIME IN	SUBMITTED BY (INITIALS)	WHO IS FILING? - LIST "DTI" OR NAME OF ATTORNEY/STAFF	EXPRESS MAIL (Y/N)	CRITICAL LAST DAY FILING - ATTORNEY SIGNATURE REQUIRED	
						Yes/No	If Yes, Attorney Initials That Express Mail Receipt Is Correct
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08157.000411	3/21/06	4:50	BR	DTI	N	N	
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21101.000841	3/21/06	6:06	jst	DTI	fax	N	



Patent: 14014.0342U2*, United States, REGULAR CASE TYPE, NATIONAL CASE, CONTINUATION

Patent Data

Docket Number	14014.0342U2*	Attorney	GWENDOLYN D. SPRATT
Country	United States	Agent	
Case Type	REGULAR CASE TYPE	Client\Division	BIOT
Relation Type	CONTINUATION	Current Owner	NIH - DHHS
Filing Type	NATIONAL CASE	Previous Owner	
Filing Number		Client Ref #	E-205-1999/0-US-06
Status	FILED	First Filing Date	8/13/1999
Sub Status		Sub Status Date	
Parent Country		Parent Filing Date	8/13/1999
Parent Number	09/374742	Parent Grant Date	
Application Number	09/910588	Application Date	7/20/2001
Patent Number		Grant Date	
Publication Number		Publication Date	1/3/2001
Assigned		Ind. Claims\Designs	0
Convention Type		Total Claims	0
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	3159
Jr. Working Attorney		Tax Base Date	
Paralegal		Next Tax Date	
4th Working Atty.		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Custom Text #2	
Custom Party #6		Custom Date #2	
Custom Party #7		Custom Text #3	
Custom Party #8		Custom Date #3	
Agent Ref No		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text #9	
Customer Code	NRPP	Customer Name	Needle & Rosenberg, P. C.

Title

METHODS AND COMPOSITIONS FOR BISUBSTRATE INHIBITORS OF ACETYLTRANSFERASES

Description

Current Expense Information

Other Case-Related Information

Actions

Action	Action Due Date	Deadline Date	Completed Date	Action Notes
H: File App=Hard (email client re: PUB)	7/20/2001		7/20/2001	
S: Information Disclosure Statement	10/20/2001		10/25/2001	
H: Rev for Prelim. Amdt.	10/20/2001		1/1/1930	

PUBLISHED	11/20/2001	1/3/2001
H: Priority Claim Review	11/20/2001	8/17/2001
S: Associate Power of Attorney	2/21/2002	2/21/2002
Return PC Received?	3/21/2002	1/28/2002
Return PC Received?	4/25/2002	3/18/2002
S: Amendment Due	1/2/2003	1/2/2003
Return PC Received?	2/2/2003	1/13/2003
S: Amendment Due	4/25/2003	4/25/2003
Return PC Received?	6/25/2003	1/1/1930
S: Resp. to Non-Compliant Amend.	10/9/2004	9/21/2004
S: 4 mo Resp to Final Rej	3/29/2005	3/29/2005
Return PC Received?	4/29/2005	4/7/2005
H: Not of Appeal (6 mo date)	5/29/2005	5/31/2005
H: Response to Adv. Action (6 mo date)	5/29/2005	1/1/1930
Return PC Received?	6/30/2005	6/8/2005
S: Appeal Brief Due w/4 mo EOT	11/30/2005	1/1/1930
H: Request for Continued Examination	11/30/2005	11/30/2005
Return PC Received?	12/30/2005	12/13/2005
H: Appeal Brief Due w/5 mo EOT	12/31/2005	1/1/1930
S: Resp. to Not. of Omitted Items Due in 1 week	3/15/2006	1/1/1930
H: Response to Notice of Omitted Items Due	3/22/2006	3/20/2006
Return PC Received?	4/20/2006	
S: 6 mo Status Inquiry	9/20/2006	1/1/1930
S: 1 yr Status Inquiry	3/20/2007	

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CreateUser: LDT

UpdateUser: ldt

CreateDate: 7/18/2001

UpdateDate: 9/21/2006

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